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Legislative History – Montana Session Law

Chapter: 160 Session L: 1959

Bill Number: HB 416

Checklist of Bill History

History and Final Status Sheet ☐
Introduced Bill ☐
Fiscal Note ☐
Third Reading Bill ☐
Final Version of Bill ☐

House	Senate
Committee: Workmen's Compensation	Committee: Labor & Compensation
Hearing Date(s):	Hearing Date(s):
Committee Report: 2/13/1959	Committee Report: 2/27/1959

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: SK Marshall

Date: 1/23/2025

Notes: Any committee reports or recordings will be held by the Montana Historical Society.

Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Thirty-sixth Legislative Assembly

In Regular Session

Held at Helena, the Seat of Government of Said State,
Commencing January 5, 1959, and
Ending March 5, 1959

PUBLISHED BY AUTHORITY

STATE PUBLISHING CO., HELENA, MONT
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Chap.	Senate Bill	House Bill	Title	Page
			ment of Benefit Payments; Providing for Payment of Medical Examination and Autopsy Expenses; Prohibiting the Vesting of Rights to Compensation Awarded Under This Act and Reserving Unto the State the Right to Reduce the Rate or Amount of Compensation to Be Received by Any Person; Providing for a Repealing Clause; Providing That This Act Shall Be Liberally Construed; and Repealing All Acts and Parts of Acts in Conflict Herewith; Providing an Effective Date.	272
156	13		An Act Relating to the Distribution of Monies Received by the State of Montana Under and by Virtue of the Flood Control Act of 1954 Under Title Thirty-three (33) United States Code Annotated Section 701-c-3; Providing for the Distribution of Such Monies by the State to the Counties of Montana Wherein Such Flood Control Land Is Situated; Providing the Counties Receiving Such Monies Shall Expend Fifty Percent (50%) Thereof for the benefit of the County Common Schools in the County Wherein Such Flood Control Land Is Situated and Fifty Per Cent (50%) Thereof for the Benefit of the General Public Roads in the County Wherein Such Flood Control Land Is Situated; Providing and Designating the Funds Into Which Such Monies Shall Be Distributed by the County Concerned; Providing for a Repealing Clause; and Providing for an Effective Date of This Act.	317
157	26		An Act to Regulate and Control Lobbying Before the State Legislature and During Sessions Thereof; Providing for Licensing and Registration of Lobbyists; Providing Penalties and Enforcement.	318
158	1		An Act to Make the Governor the Chief Budget Officer of the State, Requiring the Governor to Prepare and Present a Budget Message and Balanced Budget to Each Regular Session of the Legislative Assembly; to Establish the Office of Director of the Budget and Providing for the Appointment of the Director of the Budget Who Shall Hold Office at the Pleasure of the Governor; Requiring Each Department, State Institution and Agency to Submit Information Requested by the Director of the Budget, Providing That the Director of the Budget Shall Prepare a Budget Request for Any Department, Institution or Agency Not Submitting Requested Information; to Provide for the Preparation of a Preliminary Budget by the Director of the Budget; Fixing the Form and Content of the Budget and Designating the Items of Revenue and Expenditures Which Must Be Set Forth and Requiring a Proposed Budget Bill and Recommendations for New Sources of Revenue; Granting to the Governor-Elect the Right to Make Comments and Recommendations to Be Incorporated in the Budget; Granting Power to the Director of the Budget to Investigate the Items Submitted to His Office and to Demand and Receive Requested Information from Every Department, Officer, Board, Commission, or Institution; to Amend Sections 82-109, 82-110 and 82-112 of the Revised Codes of Montana, 1947; Repealing Sections 79-1002, 79-1003, 79-1004, 79-1004.1, 79-1005, and 79-1010, Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict Herewith.	323
159		360	An Act to Amend Section 5-907, Revised Codes of Montana, 1947, Relating to Payments by Irrigation Districts, and Fixing Payments to Be Made by Day and Hour; Repealing All Acts and Parts of Acts in Conflict Herewith.	330
160		416	An Act Providing That a Sole Proprietor or a Member of a Partnership Consisting of Not More Than Two Partners Who Own a Retail or Amusement Establishment and the Members of His Immediate Family May Do Any Work in His Place of Business; Providing That Any Union or Member Thereof Who Interferes With or Infringes on This Right Shall Be Guilty of an Unfair Labor Practice; Providing Nothing in This Act Shall Apply to an Establishment That Sells Liquor or Beer; Providing for Penalties; Providing for a Repealing Clause.	330
161		329	An Act to Amend Section 93-302, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 91 of the Laws of 1957, Relating to the Number of Judges in Each of the Judicial Districts; Providing That There Shall Be Three Judges in the Eighth Judicial District; Providing for the Appointment of a Third Judge for Said District from and After the First Monday in January 1961; Providing for the Election of Three Judges for Said Eighth Judicial Dis-	

1947, and all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1959.

CHAPTER 159

An Act to Amend Section 5-907, Revised Codes of Montana, 1947, Relating to Payments by Irrigation Districts, and Fixing Payments to Be Made by Day and Hour; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 5-907, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Fees to be paid by irrigation districts within 60 days for examination by state examiner.

"5-907. **Payments by irrigation districts.** For the credit of said fund, each irrigation district under the supervision of the state examiner, shall pay to the state treasurer, *within sixty (60) days from the date of examination, the following amounts as charges for such examinations, to be computed by the state examiner: For each day spent in the examination of books and records of any irrigation district by the state examiner or his representative, a charge of sixty dollars ($60.00) shall be made; and, for any fraction of a day spent in the examination of any irrigation district's books and records, a charge of seven and one-half dollars ($7.50) per hour shall be made.* It shall be the duty of the state examiner, or his representative, to notify the secretaries of such districts of the time of presenting the books and records at the courthouse for examination."

Duty of state examiner to notify.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1959.

CHAPTER 160

An Act Providing That a Sole Proprietor or a Member

of a Partnership Consisting of Not More than Two Partners Who Own a Retail or Amusement Establishment and the Members of His Immediate Family May Do Any Work in His Place of Business; Providing That Any Union or Member Thereof Who Interferes With or Infringes on This Right Shall Be Guilty of an Unfair Labor Practice; Providing Nothing in This Act Shall Apply to an Establishment That Sells Liquor or Beer; Providing for Penalties; Providing for a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Right to work without union interference—when.

Section 1. It is the intent of this act that a sole proprietor or a member of a partnership consisting of not more than two partners who own a retail or amusement establishment and the members of his immediate family shall have the right to do any work in his place of business without interference by any union or any member thereof.

Unfair labor practice.

Section 2. Any union or member thereof who shall infringe or interfere with the right of an owner and the members of his immediate family to do any work in his place of business shall be guilty of an unfair labor practice.

"Immediate family" defined.

Section 3. "Immediate family" shall include the owner, his spouse, and any children under the age of eighteen (18) years.

Not applicable to liquor or beer establishment.

Section 4. Nothing in this act shall apply to an establishment that sells liquor or beer.

Penalty for violation.

Section 5. Violation of any of the provisions of this act shall be punishable by a fine of fifty dollars ($50.00).

Repealing clause.

Section 6. Any act in conflict herewith is hereby repealed.

Approved March 7, 1959.

CHAPTER 161

An Act to Amend Section 93-302, Revised Codes of Mon-

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HOUSE JOURNAL

OF THE

Thirty-sixth Legislative Assembly

OF THE

STATE OF MONTANA

Held at Helena, the Seat of Government of Said State,
Commencing January 5, 1959, and
Ending March 5, 1959.

ALLEN H. DONOHUE,
Chief Clerk.

ROSEMARY S. ACHER,
Journal Clerk.

PUBLISHED BY AUTHORITY

No.	Title of Bill	Page
	for determinations of causal connection; providing apportionment of any recoveries between counties and state; providing for reports; protecting rights of recipients and dependents; providing an effective date and retroactive operation."	198, 436.
415	Introduced by Higham: A bill for an act entitled: "An act to provide that a city or town may invest moneys in special funds for which there is no immediate demand, in the purchase of outstanding city or town warrants, providing the warrants that may be so purchased, and the manner in which such warrants shall be purchased, and repealing all acts or parts of acts in conflict herewith."	198, 375, 399, 424, 437, 453, 709, 740, SA-764, 815, 818, 827.
416	Introduced by McGarvey, Wold, Schwinden, Raundal, Curry, Felt, Anderson, McGaffick: A bill for an act entitled: "An act providing that an owner and the members of his immediate family may do any work in his place of business; providing that any union or member thereof who interferes with or infringes on this right shall be guilty of an unfair labor practice; providing for penalties; providing for a repealing clause."	198, 396, 397, 458, 473, 489, 496, 753, 758, 759, 783.
417	Introduced by Picard: A bill for an act entitled: "An act to amend section 84-1818, Revised Codes of Montana, 1947, relating to the refund of gasoline license taxes procedure for refund; to provide the eliminate refunds for a period beginning July 1, 1959 and ending July 1, 1961 and providing that all refunds normally made shall be paid by the state treasurer out of the "gasoline license drawback fund" to the state highway funds to be used by the State Highway Commission for the construction of secondary roads only; repealing all acts and parts of acts in conflict herewith."	198, 265.
418	Introduced by Wayrynen, Bashor, McNally, Page (Granite), Powers, Sheehy, Picard: A bill for an act entitled: "An act to provide that the Montana State Liquor Control Board shall be the wholesale liquor monopoly and that retail liquor sales shall be made by retail liquor licensees of the board and by delegating to the board the right to fix wholesale and retail prices of liquor and allowing a reasonable profit to licensees, and to abolish state liquor stores and state vendors and to amend the permit system so as to require every person purchasing packaged liquor, wherever purchased, to hold a Montana liquor permit, and by providing that the Montana Liquor Control Board shall have general control of the warehouses of the	

new improvements, repairs and betterments reported to assessor before deduction allowed, providing for taxation and payment of royalty interests; providing for an effective date and repealing all acts and parts of acts in conflict herewith." Referred to Committee on Ways and Means.

House Bill No. 413, introduced by Felt, Wood: A bill for an act entitled: "An act to amend section 84-6204, Revised Codes of Montana, 1947, relating to the computation of net proceeds, providing capital expenditures reported to assessor before deduction allowed for such expenditures, and providing for an effective date." Referred to Committee on Townships and Counties.

House Bill No. 414, introduced by Powers, Shelden, Helding, McNally, Page (Granite), Healy: A bill for an act entitled: "An act to provide for reimbursement to the Public Welfare Department for public moneys expended upon compensable and occupationally caused diseases; providing for subrogation to compensation claims; providing a lien for welfare payments to claimants and dependents; providing for determinations of causal connection; providing apportionment of any recoveries between counties and state; providing for reports; protecting rights of recipients and dependents; providing an effective date and retroactive operation." Referred to Committee on Social Security.

House Bill No. 415, introduced by Higham: A bill for an act entitled: "An act to provide that a city or town may invest moneys in special funds for which there is no immediate demand, in the purchase of outstanding city or town warrants, providing the warrants that may be so purchased, and the manner in which such warrants shall be purchased, and repealing all acts or parts of acts in conflict herewith." Referred to Committee on Affairs of Cities.

House Bill No. 416, introduced by McGarvey, Wold, Schwinden, Raundal, Curry, Felt, Anderson, McGaffick: A bill for an act entitled: "An act providing that an owner and the members of his immediate family may do any work in his place of business; providing that any union or member thereof who interferes with or infringes on this right shall be guilty of an unfair labor practice; providing for penalties; providing for a repealing clause." Referred to Committee on Workmen's Compensation.

House Bill No. 417, introduced by Picard: A bill for an act entitled: "An act to amend section 84-1818, Revised Codes of Montana, 1947, relating to the refund of gasoline license taxes procedure for refund; to provide the eliminate refunds for a period beginning July 1, 1959 and ending July 1, 1961 and providing that all refunds normally made shall be paid by the state treasurer out of the "gasoline license drawback fund" to the state highway funds to be used by the State Highway Commission for the construction of secondary roads only; repealing all acts and parts of acts in conflict herewith." Referred to Committee on Highways and Highway Transportation.

House Bill No. 418, introduced by Wayrynen, Bashor, McNally, Page (Granite), Powers, Sheehy, Picard: A bill for an act entitled: "An act to provide that the Montana State Liquor Control Board shall be the wholesale liquor monopoly and that retail liquor sales shall be made by retail liquor licensees of the board and by delegating to the board the right to fix wholesale and retail prices of liquor and allowing a reasonable profit to licensees, and to abolish state liquor stores and state vendors and to amend the permit system so as to require every person purchasing packaged liquor, wherever purchased, to hold a Montana liquor permit, and by providing that the Montana Liquor Control Board shall have general control of the warehouses of the board and may delegate the same to the state liquor administrator, and by providing that retail liquor licensees shall sell liquor only at the places and times authorized by the act and the regulations of the board, and to provide that liquor permits be issued by retail liquor licensees; and to provide that identification cards must be produced by persons of ques-

In line 8 of page 3 of the original bill preceding the word "claim" by inserting the word "lien";

And as amended, do pass.

DANIELS, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 388, respectfully report as follows: That House Bill No. 388 be amended as follows:

Amend the title in line 6 of page 1 of the original bill by deleting the ";" after the word "procedure" and inserting a "," and the following words: "By repealing those provisions therein setting minimum periods of confinement in Montana state prison prior to the expiration of which inmates may not be considered for parole";

Amend the title further in line 10 of page 1 of the original bill by deleting the ";" after the word "violators" and inserting a "," and the following words: "By removing all references to conditional release";

Amend the title further in line 12 of page 1 of the original bill by deleting the ";" after the word "crime" and inserting a "," and the following words: "By removing references to conditional release";

Amend the title further in line 13 and line 14 of page 1 of the original bill by deleting the following words: "Discharge of prisoner, parolee, or conditional releasee"; and inserting in lieu thereof the following words: "Prisoner, parolee, or conditional releasee, by removing references to conditional release, providing for a minimum two year parole period and restoration of civil rights upon discharge from parole or completion of service of sentence and requiring discharge certificates to show such restoration of civil rights";

And as amended, do pass.

DANIELS, Chairman.

Report adopted.

Mr. Speaker: We, the Majority of your Committee on Workmen's Compensation, having had under consideration House Bill No. 416, respectfully report as follows: That House Bill No. 416 do not pass.

POWERS,
SHELDEN,
MERNIN,
HEALY,
EMMONS,
KARLBERG.

Motion was made by Powers for adoption of the Majority Committee report.

Mr. Speaker: We, the Minority of your Committee on Workmen's Compensation, having had under consideration House Bill No. 416, respectfully report as follows: That House Bill No. 416 be amended as follows:

In the title thereof by inserting in line 4 of the original bill after the word "owner" the words "of a retail or amusement establishment";

And in line 8 of the title of the original bill after the semicolon following the word "practice" by inserting "providing nothing in this act shall apply to an establishment that sells liquor or beer";

That section 1 be amended in line 12 of the original bill by inserting after the word "owner" the words "of a retail or amusement establishment";

That a new section 4 be added as follows: "Section 4. Nothing in this act shall apply to an establishment that sells liquor or beer."

That the original section 4 be numbered "section 5" and that the original section 5 be numbered as "section 6";

And as amended, do pass.

BROEDER,
BENTZ,
HAINES (Prairie),
McGARVEY.

Substitute motion was made by McGarvey for adoption of the Minority Committee report.

Substitute motion for all motions pending was made by Shelden that the committee reports not be adopted, and that House Bill No. 416 be referred to the Committee on Labor. Motion failed to carry.

Substitute motion by McGarvey carried; Minority Committee report adopted.

MESSAGES FROM THE GOVERNOR

February 13, 1959.

Hon. John J. MacDonald,
Speaker of the House of Representatives,
State Capitol,
Helena, Montana.

Dear Sir:

I have the honor to advise you that I have this day approved the following measures:

H. B. No. 6—Introduced by Mernin.

H. B. No. 110—Introduced by McGarvey and Broeder.

H. B. No. 112—Introduced by Committee on Education.

H. B. No. 179—Introduced by Leuthold and Regan.

H. B. No. 75—Introduced by Morrison, Elting, Leuthold and Barrett.

Very truly yours,
J. HUGO ARONSON, Governor.

MOTIONS AND RESOLUTIONS

Motion was made by Cerovski that House Bill No. 500 be taken from the Committee on Constitutional Amendments and Federal Relations and referred to the Committee on Education. Motion carried.

Motion was made by Wood that the House reconsider its previous action in adopting an adverse committee report on House Bill No. 289. Motion failed to carrry.

Motion was made by Daniels that the House reconsider its previous action in adopting an adverse committee report on House Bill No. 441. Motion carried.

Daniels moved that House Bill No. 441 be taken from the House and rereferrred to the Committee on Judiciary. Motion carried.

Sheehy moved that House Bill No. 408 be taken from General Orders and rereferrred to the Committee on Judiciary. Motion carried.

In line 8 of page 3 of the original bill preceding the word "claim" by inserting the word "lien";

And as amended, do pass.

DANIELS, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Judiciary, having had under consideration House Bill No. 388, respectfully report as follows: That House Bill No. 388 be amended as follows:

Amend the title in line 6 of page 1 of the original bill by deleting the ";" after the word "procedure" and inserting a "," and the following words: "By repealing those provisions therein setting minimum periods of confinement in Montana state prison prior to the expiration of which inmates may not be considered for parole";

Amend the title further in line 10 of page 1 of the original bill by deleting the ";" after the word "violators" and inserting a "," and the following words: "By removing all references to conditional release";

Amend the title further in line 12 of page 1 of the original bill by deleting the ";" after the word "crime" and inserting a "," and the following words: "By removing references to conditional release";

Amend the title further in line 13 and line 14 of page 1 of the original bill by deleting the following words: "Discharge of prisoner, parolee, or conditional releasee"; and inserting in lieu thereof the following words: "Prisoner, parolee, or conditional releasee, by removing references to conditional release, providing for a minimum two year parole period and restoration of civil rights upon discharge from parole or completion of service of sentence and requiring discharge certificates to show such restoration of civil rights";

And as amended, do pass.

DANIELS, Chairman.

Report adopted.

Mr. Speaker: We, the Majority of your Committee on Workmen's Compensation, having had under consideration House Bill No. 416, respectfully report as follows: That House Bill No. 416 do not pass.

POWERS,
SHELDEN,
MERNIN,
HEALY,
EMMONS,
KARLBERG.

Motion was made by Powers for adoption of the Majority Committee report.

Mr. Speaker: We, the Minority of your Committee on Workmen's Compensation, having had under consideration House Bill No. 416, respectfully report as follows: That House Bill No. 416 be amended as follows:

In the title thereof by inserting in line 4 of the original bill after the word "owner" the words "of a retail or amusement establishment";

And in line 8 of the title of the original bill after the semicolon following the word "practice" by inserting "providing nothing in this act shall apply to an establishment that sells liquor or beer";

That section 1 be amended in line 12 of the original bill by inserting after the word "owner" the words "of a retail or amusement establishment";

And as amended, be reported out of committee without recommendation, be printed and placed on General Orders.

EMMONS, Chairman.

Report adopted.

Mr. Speaker: We, the Majority of your Committee on Social Security, having had under consideration House Bill No. 371, respectfully report as follows: That House Bill No. 371 do not pass.

SHELDEN (Lincoln),
MERNIN,
KARLBERG,
POWERS,
HEALY,
McNALLY,
CASEY,
HELDING,
PARKER.

Motion was made by Shelden that the Majority Committee report be adopted.

Mr. Speaker: We, the Minority of your Committee on Social Security, having had under consideration House Bill No. 371, respectfully report as follows: That House Bill No. 371 do pass.

ELTING,
CAVAN,
KOLAR.

Substitute motion was made by Cavan for adoption of the Minority Committee report. Substitute motion failed to carry.

Motion by Shelden for adoption of the Majority Committee report carried. Majority report adopted.

Mr. Speaker: We, your Committee on Printing, to whom was referred House Bills Nos. 192, 233, 450 and 458, beg leave to report that the same have this date been returned from the printer correctly printed.

ABEL, Chairman.

Mr. Speaker: We, your Committee on Printing, to whom was referred House Bills Nos. 193, 372, 386, 387, 388, 401, 416, 430, 431, Sub. House Bills Nos. 293 and 337, beg leave to report that the same have this date been returned from the printer correctly printed.

ABEL, Chairman.

Motion was made by Cerovski that the House adjourn until 10:00 a.m., Monday, February 16, 1959. Motion carried.

House adjourned.

JOHN J. MacDONALD,
Speaker.

ALLEN DONOHUE,
Chief Clerk.

Whole for consideration of business under General Orders, under the rules of the previous sitting. Motion carried.

Wood of Chouteau in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business under General Orders, recommend the following:

That House Bill No. 193 do pass.

That House Bill No. 372 do pass.

That House Bill No. 387 do pass.

That House Bill No. 388 do pass.

That House Bill No. 386 do pass.

That House Bill No. 401 do pass.

That House Bill No. 430 be amended in the title by adding after the last words thereof, the following: "and containing a repealing clause"; and as amended, do pass.

That House Bill No. 416 be amended in the title by striking the words "an owner of" from the first line of the title, and inserting in lieu thereof the following words: "a sole proprietor or a member of a partnership consisting of not more than two partners who own";

Be further amended in section 1, in line 1 of the printed bill, by striking the words "an owner of" and inserting in lieu thereof the following: "a sole proprietor or a member of a partnership consisting of not more than two partners who own"; and as amended, do pass.

That House Bill No. 431 be placed at the bottom of the list.

That House Bill No. 293 be placed at the bottom of the list.

That House Bill No. 192 do pass.

That House Bill No. 233 be placed at the bottom of the list.

That House Bill No. 450 do pass.

That the enacting clause be stricken from House Bill No. 458.

That House Joint Memorial No. 12 do pass.

That Substitute House Bill No. 426 be amended in the title by adding after the last words thereof, the following: "and providing an effective date."; and as amended, do pass.

That House Bill No. 154 be amended in section 1, on page 1, line 6 of the printed bill, by striking out the word "three-fourths" and inserting in lieu thereof the word "two-thirds";

Be further amended in section 5, on page 2, lines 4, 5, 6, 7, 8 and 9 of the printed bill by striking out the following: "There shall be levied and imposed a tax of one-fourth of one percent on the net taxable value of all estates probated in the courts of this state, the proceeds of which tax shall be transmitted to the public employees retirement board and credited to the judicial retirement fund. No estate shall be distributed by court order or otherwise until such tax is paid; this act shall be retroactive to the extent that it shall apply to all estates pending in the courts and undistributed upon the effective date of this act." and inserting in lieu thereof the words: "One-half of the fees collected under sections 25-232 as amended,

FORTY-FOURTH LEGISLATIVE DAY

House of Representatives
Helena, Montana
February 17, 1959

House convened at 10:00 a.m., pursuant to adjournment.

Mr. Speaker in the Chair. Invocation by the Chaplain.

On roll call all members were present except Angstman, Mernin, Page (Granite), and Shea, who were excused.

Mr. Speaker: We, your Committee on Journal, having examined the Journal for the Forty-third Legislative Day, find the same to be correct.

NEES, Vice-Chairman.

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills Nos. 142, 169, House Joint Memorials Nos. 3 and 9, do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 10:15 o'clock, a.m., delivered to the Governor for his approval.

JARDINE, Chairman.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed: House Bills No. 317, 192, 193, 372, 386, 387, 388, 430, 416, Sub. 426, House Joint Memorial 12, and 276, Sub. 293, 401 and 431 considered correctly engrossed.

PARKER, Chairman.

COMMUNICATIONS AND PETITIONS

February 11, 1959.

Allen Donohue, Chief Clerk,
Montana House of Representatives,
Capitol,
Helena, Montana.

Dear Mr. Donohue:

Please be informed that I have sent, as instructed in Senate Joint Memorial No. 1, certified copies of such Memorial to the following:

Hon. Richard Nixon.

Hon. Sam Rayburn.

Hon. James E. Murray.

Hon. Mike Mansfield.

Hon. Lee Metcalf.

Hon. LeRoy Anderson.

Hon. John C. Deerfer.

Sincerely yours,
FRANK MURRAY,
Secretary of State.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Highways and Highway Trans-

Excused: Angstman, Leuthold, Page (Granite), Shea. Total 4.

House Bill No. 388 was passed by the following vote:

Ayes: Aasheim, Abel, Anderson, Babcock, Bardanouve, Barrett, Barnard, Bashor, Battin, Bentz, Bradford, Broeder, Casey, Cavan, Clowes, Curry, Daniels, Emmons, Eskildsen, Felt, Fjare, Fladager, Gerard, Gilfeather, Gill, Glancy, Gleed, Gunderson, Haines (Prairie), Hanks, Harball, Healy, Helding, Higham, Jardine, Jensen, Karlberg, Kiff, Kolar, Kvaalen, Langston, Lees, Leuthold, Loman, McGarvey, McNally, McOmber, Mernin, Morrison, Page (Missoula), Paulsen, Picard, Powers, Reeder, Regan, Reinecke, Rindy, Sales, Schwinden, Shelden, Sheldon, Strnisha, Tonner, Walton, Woodring, Wold, Wright. Total 67.

Noes: Barnes, Cerovski, Corcoran, Elting, Haines (Missoula), Hawks, Holecek, Howard, Moudree, Nees, Nelstead, Nichols, Powell, Sheehy, Wayrynen, Wood, Raundal, Mr. Speaker. Total 18.

Absent and not voting: Devier, DeWolfe, Holtz, Loughran, McGaffick, Parker. Total 6.

Excused: Angstman, Page (Granite), Shea. Total 3.

House Bill No. 430 was passed by the following vote:

Ayes: Aasheim, Abel, Anderson, Babcock, Bardanouve, Barrett, Barnard, Barnes, Bashor,, Battin, Bentz, Bradford, Broeder, Casey, Cavan, Cerovski, Clowes, Corcoran, Curry, Devier, DeWolfe, Elting, Eskildsen, Felt, Fjare, Fladager, Gerard, Gilfeather, Gill, Glancy, Gleed, Gunderson, Haines (Prairie), Haines (Missoula), Hanks, Harball, Hawks, Healy, Helding, Higham, Holtz, Howard, Jardine, Jensen, Karlberg, Kiff, Kolar, Kvaalen, Langston, Lees, Leuthold, Loman, Loughran, McGarvey, McNally, McOmber, Mernin, Morrison, Moudree, Nelstead, Nichols, Page (Missoula), Parker, Paulsen, Powell, Powers, Raundal, Reeder, Regan, Reinecke, Rindy, Sales, Schwinden, Sheehy, Shelden, Sheldon, Strnisha, Tonner, Walton, Wayrynen, Wood, Wold, Mr. Speaker. Total 83.

Noes: None.

Absent and not voting: Daniels, Emmons, Holecek, McGaffick, Nees, Picard, Woodring, Wright. Total 8.

Excused: Angstman, Page (Granite), Shea. Total 3.

House Bill No. 416 was passed by the following vote:

Ayes: Aasheim, Abel, Anderson, Babcock, Bardanouve, Barrett, Barnard, Barnes, Bashor, Battin, Bentz, Broeder, Casey, Cavan, Cerovski, Clowes, Corcoran, Curry, Devier, DeWolfe, Elting, Eskildsen, Felt, Fjare, Fladager, Gerard, Gill, Gleed, Haines (Prairie), Haines (Missoula), Hanks, Hawks, Higham, Holecek, Howard, Jardine, Jensen, Kiff, Kolar, Kvaalen, Leuthold, Loman, Loughran, McGarvey, McOmber, Morrison, Moudree, Nees, Nelstead, Nichols, Page (Missoula), Parker, Paulsen, Picard, Raundal, Reeder, Reinecke, Rindy, Sales, Schwinden, Sheldon, Walton, Wood, Woodring, Wold, Wright, Mr. Speaker. Total 67.

Noes: Emmons, Gilfeather, Gunderson, Harball, Healy, Helding, Holtz, Karlberg, Lees, McNally, Mernin, Powell, Powers, Regan, Sheehy, Strnisha. Total 16.

Paired: Angstman, aye; Shelden, no.

Absent and not voting: Bradford, Daniels, Glancy, Langston, McGaffick, Tonner, Wayrynen. Total 7.

Excused: Page (Granite), Shea. Total 2.

Substitute House Bill No. 426 was passed by the following vote:

Ayes: Aasheim, Abel, Bardanouve, Barrett, Barnard, Barnes, Bashor, Bradford, Broeder, Casey, Cerovski, Clowes, Curry, Devier, DeWolfe, Emmons, Eskildsen, Felt, Gilfeather, Gill, Gunderson, Haines (Prairie), Haines (Missoula), Hanks, Harball, Hawks, Healy, Helding, Higham, Holecek, Holtz, Howard, Jardine, Jensen, Karlberg, Kvaalen, Lees, Leuthold, Loman, Loughran, McGarvey, McNally, McOmber, Mernin, Morrison, Moudree, Nichols, Parker, Picard, Powers, Reeder, Regan, Reinecke, Rindy, Schwinden, Sheehy, Shelden, Sheldon, Strnisha, Walton, Wayrynen, Wood, Woodring, Wold, Mr. Speaker. Total 65.

Noes: Anderson, Babcock, Battin, Bentz, Cavan, Corcoran, Fjare, Fladager, Gerard, Gleed, Kiff, Kolar, Nees, Nelstead, Page (Missoula), Paulsen, Powell, Sales, Wright. Total 19.

Absent and not voting: Daniels, Elting, Glancy, Langston, McGaffick, Raundal, Tonner. Total 7.

Excused: Angstman, Page (Granite), Shea. Total 3.

CONSIDERATION OF GENERAL ORDERS

Motion was made by Cerovski that the House resolve itself into a Committee of the Whole, for consideration of business under General Orders, under the rules of the previous sitting. Motion carried.

Morrison of Cascade in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business under General Orders, recommend the following:

That House Bill No. 194 do pass.

That House Bill No. 233 be amended in section 1 by striking out in line 8 of the printed bill, the words "amounts due to" and inserting in lieu thereof the words "debts of," and as amended, do pass.

That House Bill No. 350 do pass.

That House Bill No. 375 do pass.

That House Bill No. 376 do pass.

That Substitute House Bill No. 123 do pass.

That House Bill No. 413 do pass.

That House Bill No. 480 do pass.

That House Bill No. 504 do pass.

That House Bill No. 226 do pass.

That House Bill No. 71 be amended in section 1 by inserting in line 8 of the printed bill after the word "case," the words "and in the work of the court.";

Further amend by striking on line 9, in section 1, after the word "a" the words "written petition charging the commission of any," and in lines 9 and 10 the words "or liquor offense";

Further amend in section 2 by striking in the last part of line 5 of the

den, Sheehy, Shelden, Sheldon, Strnisha, Tonner, Wayrynen, Wood, Woodring, Wold, Mr. Speaker. Total 50.

Noes: Anderson, Angstman, Babcock, Bashor, Battin, Bentz, Broeder, Cavan, Corcoran, DeWolfe, Elting, Felt, Fjare, Fladager, Gerard, Gleed, Haines (Prairie), Haines (Missoula), Hawks, Higham, Howard, Kolar, Kvaalen, Lees, Leuthold, Loman, Loughran, McGaffick, Morrison, Nelstead, Page (Granite), Page (Missoula), Paulsen, Powell, Regan, Reinecke, Sales, Walton, Wright. Total 39.

Absent and not voting: Glancy. Total 1.

Excused: Clowes, Mernin, Nichols, Shea. Total 4.

March 3, 1959.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President appointed the following Conference Committees:

To confer on Senate Amendments to House Bills Nos. 307, 303 and 315: Manning, chairman, Ruane and Brenner.

To confer on House Amendments to Senate Bill No. 76: Hofland, chairman, McKenna (Judith Basin), and Streeter.

Respectfully,
ALFRED R. ANDERSON,
Secretary of the Senate.

March 3, 1959.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following House Bills, House Joint Resolutions and House Joint Memorial were this day read third time and concurred in, title and history agreed to, and the same are herewith returned to the House:

House Bill No. 93 by Elting et al.

House Bill No. 273 by Sheldon (Flathead) et al.

House Bill No. 439 by Daniels.

Substitute House Bill No. 297 by Committee on Ways and Means.

House Bill No. 360 by Devier et al.

House Bill No. 302 by Jardine, Daniels.

Substitute House Bill No. 201 by Committee on Privileges and Elections.

House Bill No. 259 by Jardine, McGarvey.

House Bill No. 85 by Sheehy et al.

House Bill No. 416 by McGarvey et al.

House Bill No. 191 by Sheehy et al.

House Bill No. 376 by Committee on State Lands, Forests and Parks.

House Bill No. 194 by McGarvey.

House Joint Resolution No. 3 by Leuthold et al.

House Joint Resolution No. 4 by Devier et al.

energy to be produced or in storage capacity and that Paradise offers much greater benefit and less detriment to western Montana than any alternative plans thus far presented; and

Whereas, bills to authorize construction of Paradise Dam have been drafted and have been subject to close scrutiny by the people of the affected areas and such draft proposals have included specific provisions for the relief of personal hardship which may result from re-location of people in the flooded area and for payment in lieu of any taxes now being received which may be lost to local governments as a result of the construction of Paradise Dam; and

Whereas, expansion of industry in western Montana has been stalemated since the construction of Hungry Horse Dam, and will remain stalemated until we go forward with the construction of Paradise and other dams on the Upper Columbia; and

Whereas, because of the detailed studies already made of the Paradise Dam site, an early start could be made on its construction once the project is authorized and appropriations made; and

Whereas, construction of Paradise Dam would give an immediate and substantial stimulus to business in western Montana and the whole northwest and great permanent benefit to all areas of Montana and the northwest in the development of industry, reclamation of arid lands, control of floods, protection of forest lands and recreation areas, development of fish and wildlife resources and generally in making for a more abundant life for all of the people of the northwest,

Now, Therefore, be it resolved by the House of Representatives of the State of Montana, that the representatives of the State of Montana in the Congress of the United States be urged and requested to introduce and the Congress of the United States be urged and requested to enact into law necessary and proper legislation to authorize construction by the federal government of the Paradise Dam on the Clark Fork River in the State of Montana and to authorize that sufficient appropriations be provided for the detailed planning and construction of the Paradise Dam;

And be it Further Resolved, that such legislation include a reservation of hydroelectric power to be used within the State of Montana;

And be it Further Resolved, that copies of this resolution be submitted by the secretary of the State of Montana to each of the individuals and to the chairmen of each of the committees named in the title of this resolution and also to the presiding officers of both Houses of the Congress of the United States, Richard M. Nixon, and Sam E. Rayburn.

Motion was made by Gill that the resolution be adopted. Motion carried. Resolution adopted.

Mr. Speaker: We, your Committee on Enrollment, beg leave to report the following bills correctly enrolled: House Bills Nos. 259, 480, 416, 338, 360, 302, 335, 273 and Sub. 78.

I have examined House Bill No. 338 introduced by Kvaalen, Nelstead, and find the same to be correct.

KVAALEN.

I have examined House Bill No. 273, introduced by Sheldon et al and find the same to be correct.

SHELDON.

I have examined House Bill No. 335, introduced by DeWolfe et al and find the same to be correct.

DeWOLFE.

I have examined Sub. House Bill No. 78, introduced by the Committee on Public Health, Morals and Safety and find the same to be correct.

MORRISON, Chairman.

I have examined House Bill No. 302, introduced by Jardine and Daniels and find the same to be correct.

JARDINE.

I have examined House Bill No. 259, introduced by Jardine, McGarvey, and find the same to be correct.

JARDINE.

I have examined House Bill No. 360, introduced by Devier et al and find the same to be correct.

DEVIER.

I have examined House Bill No. 480, introduced by McGarvey, Paulsen, and find the same to be correct.

McGARVEY.

I have examined House Bill No. 416, introduced by McGarvey et al and find the same to be correct.

McGARVEY.

The Speaker signed the following House Bills in open session, the titles having first been read: House Bills Nos. 480, 416, 338, 360, 302, 335, 273, 259 and Sub. 78.

THIRD READING OF SENATE BILLS

The following bill, having been read three several times, title and history agreed to, was disposed of in the following manner:

Senate Bill No. 121 was concurred in by the following vote:

Ayes: Abel, Babcock, Bardanouve, Barrett, Barnard, Barnes, Bashor, Battin, Bentz, Bradford, Broeder, Casey, Cavan, Cerovski, Clowes, Curry, Daniels, Devier, Elting, Emmons, Eskildsen, Fjare, Fladager, Gill, Glancy, Gleed, Haines (Missoula), Harball, Hawks, Healy, Helding, Holtz, Howard, Jardine, Karlberg, Kolar, Kvaalen, Lees, Leuthold, Loman, McGarvey, McNally, Mernin, Morrison, Page (Missoula), Parker, Paulsen, Powell, Raundal, Reeder, Regan, Reinecke, Rindy, Schwinden, Sheldon, Tonner, Wood, Woodring, Wold, Wright, Mr. Speaker. Total 61.

Noes: Angstman, Felt, Haines (Prairie), Hanks, Kiff, Moudree, Sales. Total 7.

Absent and not voting: Aasheim, Anderson, Corcoran, DeWolfe, Gerard, Gilfeather, Gunderson, Higham, Holecek, Jensen, Langston, Loughran, McGaffick, McOmber, Nees, Nelstead, Nichols, Page (Granite), Powers, Shea, Sheehy, Shelden, Strnisha, Walton, Wayrynen. Total 25.

Excused: Picard. Total 1.

THIRD READING OF HOUSE BILLS

The following bills, having been read three several times, appropriation measure at length, title and history agreed to, were disposed of in the following manner:

House Bill No. 528 was passed by the following vote:

Ayes: Abel, Bardanouve, Barrett, Barnard, Barnes, Bashor, Bradford,

THE LORD'S PRAYER

Sacred Solo.....Harold Paulsen

NECROLOGY COMMITTEE:
MORRISON, Chairman,
PAULSEN,
CAVAN,
McNALLY,

Motion was made by Morrison for adoption of the Necrology Committee report by a standing vote and silent prayer. A silent prayer followed and the Speaker announced the report adopted.

MESSAGES FROM THE SENATE

March 4, 1959.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that on roll call vote this day, the motion to override the Governor's veto on House Bill No. 165, failed to carry the necessary two-thirds votes of the members present.

Respectfully,
ALFRED R. ANDERSON,
Secretary of the Senate.

March 4, 1959.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President appointed the following Conference Committees this day to confer with like Committees from the House:

On House Amendments to Senate Bill No. 169: Clark, chairman; Thiessen, Mahoney (Garfield).

On House Amendments to Senate Bill No. 168: Cumming, chairman; Nees, Cole.

On Senate Amendments to House Bill No. 91: Durkee, chairman; Stein, Smith.

On Senate Amendments to House Bill No. 255: Cotton, chairman; Hofland, Grandey.

On Senate Amendments to House Bill No. 170: Rieder, chairman; Dussault, Mannix.

On Senate Substitute for Sub. House Bill No. 426: Keller, chairman; Beley, Scofield.

Respectfully,
ALFRED R. ANDERSON,
Secretary of the Senate.

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills Nos. 338, 273, 335, Sub. 78, 302, 259, 360, 480, 416, 382, 522 and 484, do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 2:30 o'clock p.m., delivered to the Governor for his approval.

JARDINE, Chairman.

MOTIONS AND RESOLUTIONS

The following Resolution was read:

SENATE JOURNAL

OF THE

Thirty-sixth Legislative Assembly

OF THE

STATE OF MONTANA

Held at Helena, the Seat of Government of Said State,
Commencing January 5, 1959, and
Ending March 5, 1959.

PAUL CANNON, President

ALFRED R. ANDERSON,
Secretary of the Senate.

BETTY WEST,
Assistant Secretary
of the Senate.

PUBLISHED BY AUTHORITY

STATE PUBLISHING CO., HELENA, MONT.
3

No.	Title of Bill	Page
	tana, 1947, relating to the present highway commission, its meetings, engineers, duties and bond; and containing a repealing clause."	342, 353, 376, 389, 398.
412	Introduced by Felt, Wood: A bill for an act entitled: "An act to amend sections 84-5403, and 84-5409, Revised Codes of Montana, 1947, relating to the computation of net proceeds, providing for deduction of improvements, repairs and betterments over ten years; providing new improvements, repairs and betterments reported to assessor before deduction allowed, providing for taxation and payment of royalty interests; providing for an effective date and repealing all acts and parts of acts in conflict herewith."	303, 308, 418, 474, 497, 627.
413	Introduced by Felt, Wood: A bill for an act entitled: "An act to amend section 84-6204, Revised Codes of Montana, 1947, relating to the computation of net proceeds, providing capital expenditures reported to assessor before deduction allowed for such expenditures, and providing for an effective date."	318, 339, 373, 382, 392, 415, 466, Veto-466.
415	Introduced by Higham: A bill for an act entitled: "An act to provide that a city or town may invest moneys in special funds for which there is no immediate demand, in the purchase of outstanding city or town warrants, providing the warrants that may be so purchased, and the manner in which such warrants shall be purchased, and repealing all acts or parts of acts in conflict herewith."	297, 300, 386, 417, 474, 496, 627.
416	Introduced by McGarvey, Wold, Schwinden, Raundal, Curry, Felt, Anderson, McGaffick: A bill for an act entitled: "An act providing that an owner and the members of his immediate family may do any work in his place of business; providing that any union or member thereof who interferes with or infringes on this right shall be guilty of an unfair labor practice; providing for penalties; providing for a repealing clause."	314, 338, 475, 476, 491, 578, 587.
424	Introduced by Wood, Barnard, Howard: A bill for an act entitled: "An act to authorize the State of Montana to become indebted for the sum of five million dollars ($5,000,000.00) in excess of the constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated for the construction and equipment of necessary buildings and other permanent improvements for the Montana state prison at Deer Lodge, Montana; providing for	

Senate Substitute for Senate Bill No. 8, introduced by Committee on Fish and Game.

Very truly yours,

J. HUGO ARONSON,
Governor.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following communication from the House was received and read:

February 17, 1959.

Mr. President:

I am directed by the House to inform your Honorable Body that the following House Joint Resolution and House Bills were this day read third time and passed, title and history agreed to, and are herewith transmitted to the Senate for concurrence:

House Joint Resolution No. 3, introduced by Leuthold et al.

House Bill No. 317, introduced by Battin et al.

House Bill No. 192, introduced byMcGarvey.

House Bill No. 193, introduced by McGarvey.

House Bill No. 386, introduced by Daniels.

House Bill No. 387, introduced by Daniels.

House Bill No. 388, introduced by Daniels.

House Bill No. 430, introduced by Cavan and Felt.

House Bill No. 416, introduced by McGarvey et al.

Sub. House Bill No. 426, introduced by Committee on State Lands, Forests and Parks.

House Bill No. 372, introduced by Holtz.

Respectfully,

ALLEN DONOHUE,
Chief Clerk.

INTRODUCTION OF HOUSE BILLS

Upon motion of Senator James, duly seconded and carried, consideration of business on Introduction of House Bills was passed.

BUSINESS ON GENERAL FILE

Upon motion of Senator James, duly seconded and carried, the Senate resolved itself into a Committee of the Whole for the consideration of Business on General File.

Senator McGowan in the Chair. Committee arose.

Senate resumed. President Cannon presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That further consideration of Senate Substitute for Senate Bill No. 198 be indefinitely postponed.

House Bill No. 192, introduced by McGarvey: A bill for an act entitled: "An act to amend section 75-104, of the Revised Codes of Montana, 1947, relating to the officers of the State Board of Education; providing for the election of a chairman thereof from among the appointed members of said board and for such other officers as may be necessary for the effective administration of the university system; and providing for an effective date." Referred to Committee on Education.

House Bill No. 193, introduced by McGarvey: A bill for an act entitled: "An act to amend section 75-301, of the Revised Codes of Montana, 1947, relating to the general control of state institutions; providing to the general control and supervision of units of the university system in the State Board of Education." Referred to Committee on Education.

House Bill No. 386, introduced by Daniels: A bill for an act entitled: "An act repealing sections 80-739, 80-740, and 80-741, Revised Codes of Montana, 1947, relating to commutation of sentence upon good behavior; good behavior allowance for convicts in certain employments, and forfeiture of commutation, with an exception." Referred to Committee on Judiciary.

House Bill No. 387, introduced by Daniels: A bill for an act entitled: "An act to amend section 94-7832, Revised Codes of Montana, 1947, relating to sentencing of persons found guilty of a crime or offense, by providing maximum terms of imprisonment for first and multiple offenders excepting those committed for murder, empowering the board of pardons to extend an original term of imprisonment for five years upon court approval, permitting petition to show cause why release on parole would be a threat to petitioner or the community, permitting the use of certain evidence in proceedings on said petition and authorizing petition by the board of pardons for transfer of prison inmates for mental observation and treatment; containing a repealing clause and providing an effective date." Referred to Committee on Judiciary.

House Bill No. 388, introduced by Daniels: A bill for an act entitled: "An act to amend section 94-9832, Revised Codes of Montana, 1947, relating to parole authority and procedure, by repealing those provisions therein setting minimum periods of confinement in Montana state prison prior to the expiration of which inmates may not be considered for parole; to repeal section 94-9833, Revised Codes of Montana, 1947, relating to conditional release; to amend section 94-9838, Revised Codes of Montana, 1947, relating to return of parole violators, by removing all references relating to return of parole violators, by removing all references to conditional release; to amend section 94-9839, Revised Codes of Montana, 1947, relating to service of term for additional crime, by removing references to conditional release; to amend section 94-9840, Revised Codes of Montana, 1947, relating to prisoner, parolee, or conditional releasee, by removing references to conditional release, providing for a minimum two year parole period and restoration of civil rights upon discharge from parole or completion of service of sentence and requiring discharge certificates to show such restoration of civil rights; repealing all acts and parts of acts in conflict herewith, and containing an effective date." Referred to Committee on Judiciary.

House Bill No. 430, introduced by Cavan, Felt: A bill for an act entitled: "An act to provide for devises or bequests to a trust by will when the trust is amendable or revocable, or both, or because the trust was amended after the date of execution of the will, to provide that the property so devised or bequeathed shall not be deemed to be held under a testamentary trust, unless the will provides otherwise; and containing a repealing clause." Referred to Committee on Judiciary.

House Bill No. 416, introduced by McGarvey, Wold, Schwinden, Raundal, Curry, Felt, Anderson, McGaffick: A bill for an act entitled: "An act providing that a sole proprietor or a member of a partnership consisting of

not more than two partners who own a retail or amusement establishment and the members of his immediate family may do any work in his place of business; providing that any union or member thereof who interferes with or infringes on this right shall be guilty of an unfair labor practice; providing nothing in this act shall apply to an establishment that sells liquor or beer; providing for penalties; providing for a repealing clause." Referred to Committee on Labor and Compensation.

Substitute House Bill No. 426, introduced by Committee on State Lands, Forests and Parks: A bill for an act entitled: "An act to amend section 81-433 of the Revised Codes of Montana, 1947, as amended by chapter 190, laws of 1949 and chapter 229, laws of 1951, relating to rental rates of state grazing lands upon the animal-unit-month basis, to provide for an increase in the rental rates of state grazing lands by use of a new formula for computation of such rates; and to provide for the repeal of all acts and parts of acts in conflict herewith; and providing an effective date." Referred to Committee on Public Lands.

House Bill No. 372, introduced by Holtz (by request): A bill for an act entitled: "An act to amend section 14-102, Revised Codes of Montana, 1947, relating to the incorporation of credit union associations; providing for the approval of the state examiner and ex officio superintendent of banks of articles of incorporation of such association before filing with the secretary of state; repealing all acts and parts of acts in conflict herewith." Referred to Committee on Banks and Banking.

House Joint Memorial No. 12, introduced by Barnard, Gilfeather: A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States, Senator James E. Murray of Montana, Senator Mike Mansfield of Montana, Congressman Lee Metcalf of Montana, Congressman LeRoy Anderson of Montana, the Committee on Interior and Insular Affairs of the United States Senate; the Committee on Interior and Insular Affairs of the United States House of Representatives; and the Secretary of Interior, Fred A. Seaton; requesting the establishment of a federal Indian policy which recognizes the duty of the federal government to the American Indian. Referred to Committee on Indian Affairs.

House Bill No. 276, introduced by Wood: A bill for an act entitled: "An act to provide that the Board of County Commissioners may levy a special tax not to exceed two (2) mills on the dollar of the taxable property of the county for the purpose of constructing, maintaining and repairing public ferries; and providing for a repealing clause." Referred to Committee on County Affairs.

Substitute House Bill No. 293, introduced by Committee on Education: A bill for an act entitled: "An act appropriating the sum of twenty thousand dollars ($20,000.00) to the state examiner for the purpose of examining and auditing the books and accounts of the University of Montana system; providing that reports shall be made of such audit to the State Board of Education and to the Thirty-seventh Legislative Assembly; providing that this appropriation is not subject to the budget act; and providing for an effective date." Referred to Committee on Education.

House Bill No. 401, introduced by Loman, Anderson, Schwinden, Gill: A bill for an act entitled: "An act to amend section 26-133 of the Revised Codes of Montana, 1947, as amended by chapter 188 of the Laws of Montana, 1953, relating to payments in lieu of taxes to counties for department owned land, to provide for such payments out of the funds of the State Fish and Game Commission to any counties wherein the State of Montana Fish and Game Department owns more than one (1) acre; repealing all acts or parts of acts in conflict therewith and making this act effective upon its passage and approval." Referred to Committee on Fish and Game.

tuation: "engaged in a business enterprise, to allow any person or persons to bring upon premises devoted to such business enterprise and to consume thereon, any" and inserting in lieu thereof the following words: "from operating a";

And further amend the title on line 7 of the original bill, being line 5 of the printed bill, by striking the letter "s" from the word "beverages";

And further amend the title on line 8 of the original bill, being line 6 of the printed bill, by striking the words "unless licensed," and inserting in lieu thereof the words "bottle club";

And further amend the title on lines 8 and 9 of the original bill, being lines 6 and 7 of the printed bill, by striking the following words and punctuation: "defining a bottle club;";

And amend the body of said bill by striking in its entirety section 1 of the original bill, being section 1 of the printed bill, and inserting in lieu thereof the following words and punctuation: "Section 1. The operation of a beer or liquor, or alcoholic beverage bottle club is hereby prohibited by any person, persons, partnership, firm, corporation or association.";

And further amend the body of said bill by striking section 2, pages 1 and 2 of the original bill, being section 2, page 1 of the printed bill, in its entirety;

And further amend the body of said bill on line 2, page 2 of the original bill, being line 1, page 1 of the printed bill, by striking the figure "3" and inserting in lieu thereof the figure: "2";

And further amend the body of said bill on line 8, page 2 of the original bill, being line 1, page 2 of the printed bill, by striking the figure "4" and inserting in lieu thereof the figure: "3";

And further amend the body of said bill on line 10, page 2 of the original bill, being line 1, page 2 of the printed bill, by striking the figure "5" and inserting in lieu thereof the figure: "4";

And as so amended, be concurred in.

GOODWIN, Chairman.

Report adopted.

Mr. President: We, the majority of your Committee on Labor and Compensation, having had under consideration House Bill No. 416, respectfully report as follows: That House Bill No. 416 be amended as follows:

Amend the title in line 10 of the original bill, being line 4 of the printed bill, by striking the words "union or member thereof" and inserting in lieu thereof the following words: "individual, partnership, association or corporation";

And further amend the title in line 11 of the original bill, being lines 5 and 6 of the printed bill, by striking the words "an unfair labor practice" and inserting in lieu thereof the following words: "a misdemeanor";

And further amend the title of said bill in lines 11, 12 and 13 of the original bill, being lines 6 and 7 of the printed bill, by striking the following words: "providing nothing in this act shall apply to an establishment that sells liquor or beer;";

And amend section 1, line 23 of the original bill, being line 3 of the printed bill, by deleting the words "union or any member thereof" and inserting in lieu thereof the following words: "individual, partnership, association, or corporation";

And further amend in section 2, line 24 of the original bill, being line

1 of the printed bill, by deleting the words "union or member thereof" and inserting in lieu thereof the following words: "individual, partnership, association or corporation";

And further amend section 2 in line 27 of the original bill, being line 3 of the printed bill, by striking the words "an unfair labor practice" and inserting in lieu thereof the following words: "a misdemeanor";

And further amend by striking section 4 in its entirety;

And further amend by renumbering section 5 to be section 4;

And further amend by renumbering section 6 to be section 5;

And as so amended, be concurred in.

ANDERSON (Lincoln),
SIDERIUS,
McKENNA (Fergus),
MAHONEY (Sanders),
REARDON,

Mr. President: We, the minority of your Committee on Labor and Compensation, having had under consideration House Bill No. 416, respectfully report as follows: That House Bill No. 416 be concurred in.

MACKAY,
SCOFIELD,
SPEAR,
MANNING.

Motion of Senator Siderius, duly seconded, for the adoption of the majority report.

Substitute motion of Senator Mackay, duly seconded, for the adoption of the minority report.

Substitute motion of Senator Reardon for all motions pending, duly seconded, that further consideration of House Bill No. 416 be indefinitely postponed.

Upon request of Senator Wilson and two other Senators, a roll call vote upon the motion of Senator Reardon was ordered, which motion was lost by the following roll call vote:

Ayes: Reardon, Siderius. Total 2.

Noes: Anderson (Wibaux), Balgord, Beley, Bovey, Brenner, Brownfield, Carney, Clark, Cole, Cotton, Cumming, Durkee, Dussault, Goodwin, Grandey, Grant, Hagenston, Harken, Hibbs, Hofland, James, Keister, Keller, LaCombe, Lehrkind, Mackay, Mahoney (Garfield), Manning, Mannix, McDonnell, McGowan, McKenna (Judith Basin), McKenna (Fergus), Michels, Minette, Morrow, Nees, Nixon, Rice, Rieder, Ringling, Sagunsky, Scofield, Smith, Spear, Stein, Streeter, Thiessen, Wilson. Total 49.

Absent and not voting: Mahoney (Sanders). Total 1.

Excused: Anderson (Lincoln), Groff, Robinson, Ruane. Total 4.

Thereupon the substitute motion of Senator Mackay for the adoption of the minority report was carried.

At the request of Senator James, and without objection, the Senate was on Order of Business No. 12.

Upon motion of Senator James, duly seconded and carried, the Senate adjourned at 10:55 p.m. until the hour of 9:00 a.m., Saturday, February 28, 1959.

PAUL CANNON,
President of the Senate.

ALFRED R. ANDERSON, Secretary.

That Substitute House Bill No. 305 be concurred in.

That House Bill No. 416 be concurred in.

That House Bill No. 170 be concurred in.

That House Bill No. 50 be concurred in.

That House Bill No. 424 be concurred in.

That House Bill No. 255 be concurred in.

That House Bill No. 155 be concurred in.

That the Committee rise and report.

RINGLING, Chairman.

Motion of Senator Ringling, duly seconded, for the adoption of the foregoing Committee of the Whole report.

Substitute motion of Senator Rieder, duly seconded, that House Bill No. 236 be segregated from the Committee of the Whole report, failed.

Upon substitute motion of Senator Mahoney (Garfield), duly seconded and carried, House Bill No. 182 was segregated from the Committee of the Whole report.

Upon motion of Senator James, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted as so amended.

At this time the Senate reverted to Order of Business No. 4, Messages from the Governor.

MESSAGES FROM THE GOVERNOR

The following communication from His Excellency, the Governor, was received and read:

February 28, 1959.

Honorable Paul Cannon,
President of the Senate,
Helena, Montana.
Dear Sir:

You will remember that in my State of the State Message I noted that in the Western Interstate Corrections Compact, you have an opportunity to take one of the greatest forward steps in the history of corrections in Montana.

This compact merely authorizes the interstate use of correctional institutions. It is purely permissive legislation and does not bind the State of Montana to anything unless and until Montana enters into a contract under the compact.

This compact, approval of which is before you in House Bill No. 435, will definitely facilitate the treatment and rehabilitation of specialized custodial groups such as women prisoners, maximum security male prisoners, defective delinquents and mentally ill prisoners, just to mention the major cases.

In order to effectively care for and handle these types of correctional cases, Montana will have to undertake an extensive building program plus hiring many added specialists. The cost of such a program will run into the millions of dollars, if Montana has to do it by itself for just a few such cases.

However, approval of House Bill 435 will enable Montana to see that

Morrrow, Nees, Nixon, Rice, Rieder, Sagunsky, Scofield, Smith, Spear, Streeter, Thiessen, Wilson. Total 33.

Noes: Brenner, Mahoney (Garfield). Total 2.

Absent and not voting: Clark, Cotton, Durkee, Hagenston, Hibbs, LaCombe, Lehrkind, Mackay, McKenna (Fergus), Reardon, Siderius. Total 11.

Excused: Anderson (Lincoln), Dussault, Groff, Harken, Mahoney (Sanders), Minette, Ringling, Robinson, Ruane, Stein. Total 10.

House Bill No. 85, having been read three several times, was concurred in by the following roll call vote:

Ayes: Anderson (Wibaux), Balgord, Beley, Bovey, Brenner, Brownfield, Carney, Cole, Cotton, Cumming, Durkee, Goodwin, Grandey, Grant, Hofland, James, Keister, Keller, Lehrkind, Mackay, Mahoney (Garfield), Manning, Mannix, McDonnell, McGowan, McKenna (Judith Basin), Michels, Morrow, Nees, Nixon, Rice, Rieder, Sagunsky, Scofield, Smith, Spear, Streeter, Thiessen, Wilson. Total 39.

Noes: None.

Absent and not voting: Clark, Hagenston, Hibbs, LaCombe, McKenna (Fergus), Reardon, Siderius. Total 7.

Excused: Anderson (Lincoln), Dussault, Groff, Harken, Mahoney (Sanders), Minette, Ringling, Robinson, Ruane, Stein. Total 10.

House Bill No. 416, having been read three several times, was concurred in by the following roll call vote:

Ayes: Anderson (Wibaux), Balgord, Beley, Bovey, Brenner, Brownfield, Carney, Cole, Cotton, Cumming, Durkee, Goodwin, Grandey, Grant, Hofland, James, Keister, Keller, Lehrkind, Mackay, Mahoney (Garfield), Manning, Mannix, McDonnell, McGowan, McKenna (Judith Basin), Michels, Morrow, Nees, Nixon, Rice, Rieder, Scofield, Smith, Spear, Streeter, Thiessen, Wilson. Total 38.

Noes: Reardon. Total 1.

Absent and not voting: Clark, Hagenston, Hibbs, LaCombe, McKenna (Fergus), Sagunsky, Siderius. Total 7.

Excused: Anderson (Lincoln), Dussault, Groff, Harken, Mahoney (Sanders), Minette, Ringling, Robinson, Ruane, Stein. Total 10.

House Bill No. 191, having been read three several times, was concurred in by the following roll call vote:

Ayes: Balgord, Beley, Bovey, Brenner, Brownfield, Carney, Cole, Cotton, Cumming, Durkee, Goodwin, Grandey, Grant, Hofland, James, Keister, Keller, Lehrkind, Mahoney (Garfield), Manning, Mannix, McDonnell, McGowan, McKenna (Judith Basin), Michels, Morrow, Nees, Nixon, Reardon, Rice, Rieder, Sagunsky, Scofield, Smith, Spear, Streeter, Thiessen, Wilson. Total 38.

Noes: Anderson (Wibaux). Total 1.

Absent and not voting: Clark, Hagenston, Hibbs, LaCombe, Mackay, McKenna (Fergus), Siderius. Total 7.

Excused: Anderson (Lincoln), Dussault, Groff, Harken, Mahoney (Sanders), Minette, Ringling, Robinson, Ruane, Stein. Total 10.

The President announced appointment of the following conference committees:

On House Amendments to Senate Bill No. 169: Clark, chairman; Thiessen, Mahoney (Garfield).

On House Amendments to Senate Bill No. 168; Cumming, chairman; Nees, Cole.

On Senate Amendments to House Bill No. 91: Durkee, chairman; Stein, Smith.

On Senate Amendments to House Bill No. 255: Cotton, chairman; Hofland, Grandey.

On Senate Amendments to House Bill No. 170: Rieder, chairman; Dussault, Mannix.

On Senate Substitute for Substitute House Bill No. 426; Keller, chairman; Beley, Scofield.

At the request of Senator James, and without objection, the Senate was on Order of Business No. 12.

Upon motion of Senator James, duly seconded and carried, the Senate recessed at 12:30 p.m. until the hour of 2:00 p.m. this day.

AFTERNOON SESSION

Pursuant to recess, the Senate resumed at 2:00 p.m. President Cannon presiding.

At this time the President signed in open session House Bills Nos. 338, 273, 335, 302, 259, 360, 480, 416, 382, 522, 484 and Substitute House Bill No. 78.

At this time the President signed in open session Senate Bills Nos. 57, 69, 70, 94, 101, 117, 136, 145, 151, 156, 177 and Senate Substitute for Senate Bill No. 150.

REPORTS OF STANDING COMMITTEES

The Committee on Finance and Claims submitted the following reports:

Mr. President: We, your Committee on Finance and Claims, having had under consideration Substitute House Bill No. 538, respectfully report as follows: That Substitute House Bill No. 538 be amended as follows:

Amend by striking in section 1, page 1, lines 18 and 19 of the original bill, being page 1, lines 3 and 4 of the printed bill, the following words and fiugures: "four million one hundred fifty-three thousand five hundred dollars ($4,153,500.00)"; and by inserting in lieu thereof the following words and figures: "four million two hundred thirty-four thousand five hundred dollars ($4,234,500.00)";

By striking in section 2, page 2, subsection (h), lines 28 and 29 of the original bill, being page 2, line 24 of the printed bill, the following words and figures: "five hundred twenty-eight thousand five hundred dollars —$528,500.00"; and inserting in lieu thereof the following words and figures: "six hundred nine thonsand five hundred dollars—$609,500.00";

By striking in section 3, page 3, lines 12 and 13 of the original bill, being page 2, lines 3 and 4 of the printed bill, the following words and figures: "four million one hundred fifty-three thousand five hundred dol-